



Reprinted
February 22, 2001

HOUSE BILL No. 1367

DIGEST OF HB 1367 (Updated February 21, 2001 4:52 PM - DI 96)

Citations Affected: IC 20-8.1.

Synopsis: Limitations on the employment of children. Provides that the limitation on employment of children does not apply to children employed by a parent or a person standing in place of a parent, except for provisions concerning underage employment, employment during school hours, and employment in hazardous occupations designated by federal law. Requires an employer to give a child a rest break of at least 30 minutes if the child is scheduled to work at least six consecutive hours. Provides that the rest break must be available to the child during the time beginning three hours after and ending five hours after the child begins the child's period of duty. Provides certain exceptions to the requirement of a rest break. Provides that the department of labor may assess a civil penalty for violations of the rest break requirement.

Effective: July 1, 2001.

Weinzapfel, Young D

January 11, 2001, read first time and referred to Committee on Labor and Employment.
February 5, 2001, reported — Do Pass.
February 21, 2001, read second time, amended, ordered engrossed.

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HB 1367—LS 7529/DI 102+



Reprinted
February 22, 2001

First Regular Session 112th General Assembly (2001)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2000 General Assembly.

HOUSE BILL No. 1367

A BILL FOR AN ACT to amend the Indiana Code concerning labor and industrial safety.

Be it enacted by the General Assembly of the State of Indiana:

- 1 SECTION 1. IC 20-8.1-4-0.5 IS ADDED TO THE INDIANA
2 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
3 [EFFECTIVE JULY 1, 2001]: **Sec. 0.5. This chapter does not apply**
4 **to a parent who employs the parent's own child or a person**
5 **standing in place of a parent who employs a child in the person's**
6 **custody, except for those provisions concerning underage**
7 **employment (IC 20-8.1-4-21(a)), employment during school hours**
8 **(IC 20-8.1-4-21(b)), and employment in hazardous occupations**
9 **designated by federal law (IC 20-8.1-4-25).**
- 10 SECTION 2. IC 20-8.1-4-20.5 IS ADDED TO THE INDIANA
11 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
12 [EFFECTIVE JULY 1, 2001]: **Sec. 20.5. (a) This section applies to**
13 **occupations for which a child less than eighteen (18) years of age**
14 **may be employed or allowed to work under this chapter, but does**
15 **not apply to children subject to:**
16 (1) **section 2 of this chapter; or**
17 (2) **section 20(m)(2) or 20(m)(3) of this chapter.**

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(b) A person, firm, limited liability company, or corporation that employs a child less than eighteen (18) years of age shall provide a rest break of at least thirty (30) minutes to a child who is scheduled to work at least six (6) consecutive hours.

(c) The rest break must be available to the child during the time beginning three (3) hours after and ending five (5) hours after the child begins the child's period of duty.

SECTION 3. IC 20-8.1-4-31, AS AMENDED BY P.L.234-1999, SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 31. (a) A person, firm, limited liability company, or corporation that violates this chapter may be assessed the following civil penalties by the department of labor:

(1) For an employment certificate violation under section 1 or 13 of this chapter, the following:

(A) A warning letter for any violations identified during an initial inspection.

(B) Fifty dollars (\$50) per instance for a second violation identified in a subsequent inspection.

(C) Seventy-five dollars (\$75) per instance for a third violation that is identified in a subsequent inspection.

(D) One hundred dollars (\$100) per instance for a fourth or subsequent violation that:

(i) is identified in an inspection subsequent to the inspection under clause (C); and

(ii) occurs not more than two (2) years after a prior violation.

(2) For a posting violation under section 23 of this chapter, the following:

(A) A warning letter for any violations identified during an initial inspection.

(B) Fifty dollars (\$50) per instance for each violation identified in a subsequent inspection.

(C) Seventy-five dollars (\$75) per instance for a third violation that is identified in a subsequent inspection.

(D) One hundred dollars (\$100) per instance for a fourth or subsequent violation that:

(i) is identified in an inspection subsequent to the inspection under clause (C); and

(ii) occurs not more than two (2) years after a prior violation.

(3) For a termination notice violation under section 11 of this chapter, the following:

(A) A warning letter for any violations identified during an initial inspection.

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- 1 (B) Fifty dollars (\$50) per instance for each violation
 2 identified in a subsequent inspection.
 3 (C) Seventy-five dollars (\$75) per instance for a third violation
 4 that is identified in a subsequent inspection.
 5 (D) One hundred dollars (\$100) per instance for a fourth or
 6 subsequent violation that:
 7 (i) is identified in an inspection subsequent to the inspection
 8 under clause (C); and
 9 (ii) occurs not more than two (2) years after a prior violation.
 10 (4) For an hour violation of not more than thirty (30) minutes
 11 under section 20 of this chapter, the following:
 12 (A) A warning letter for any violations identified during an
 13 initial inspection.
 14 (B) Fifty dollars (\$50) per instance for each violation
 15 identified in a subsequent inspection.
 16 (C) Seventy-five dollars (\$75) per instance for a third violation
 17 that is identified in a subsequent inspection.
 18 (D) One hundred dollars (\$100) per instance for a fourth or
 19 subsequent violation that:
 20 (i) is identified in an inspection subsequent to the inspection
 21 under clause (C); and
 22 (ii) occurs not more than two (2) years after a prior violation.
 23 (5) For an hour violation of more than **thirty** (30) minutes under
 24 section 20 of this chapter, the following:
 25 (A) A warning letter for any violations identified during an
 26 initial inspection.
 27 (B) One hundred dollars (\$100) per instance for each violation
 28 identified in a subsequent inspection.
 29 (C) Two hundred dollars (\$200) per instance for a third
 30 violation that is identified in a subsequent inspection.
 31 (D) Four hundred dollars (\$400) per instance for a fourth or
 32 subsequent violation that:
 33 (i) is identified in an inspection subsequent to the inspection
 34 under clause (C); and
 35 (ii) occurs not more than two (2) years after a prior violation.
 36 (6) For a hazardous occupation violation under section 25 of this
 37 chapter, the following:
 38 (A) A warning letter for any violations identified during an
 39 initial inspection.
 40 (B) One hundred dollars (\$100) per instance for each violation
 41 identified in a subsequent inspection.
 42 (C) Two hundred dollars (\$200) per instance for a third

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violation that is identified in a subsequent inspection.

(D) Four hundred dollars (\$400) per instance for a fourth or subsequent violation that:

(i) is identified in an inspection subsequent to the inspection under clause (C); and

(ii) occurs not more than two (2) years after a prior violation.

(7) For an age violation under section 21 or 21.5 of this chapter, the following:

(A) A warning letter for any violations identified during an initial inspection.

(B) One hundred dollars (\$100) per instance for each violation identified in a subsequent inspection.

(C) Two hundred dollars (\$200) per instance for a third violation that is identified in a subsequent inspection.

(D) Four hundred dollars (\$400) per instance for a fourth or subsequent violation that:

(i) is identified in an inspection subsequent to the inspection under clause (C); and

(ii) occurs not more than two (2) years after a prior violation.

(8) For each minor employed in violation of section 21(b) of this chapter, the following:

(A) A warning letter for any violations identified during an initial inspection.

(B) One hundred dollars (\$100) per instance for each violation identified in a subsequent inspection.

(C) Two hundred dollars (\$200) per instance for a third violation that is identified in a subsequent inspection.

(D) Four hundred dollars (\$400) per instance for a fourth or subsequent violation that:

(i) is identified in an inspection subsequent to the inspection under clause (C); and

(ii) occurs not more than two (2) years after a prior violation.

(9) For each violation of section 20.5 of this chapter, the following:

(A) A warning letter for any violations identified during an initial inspection.

(B) One hundred dollars (\$100) per instance for each violation identified in a subsequent inspection.

(C) Two hundred dollars (\$200) per instance for a third violation that is identified in a subsequent inspection.

(D) Four hundred dollars (\$400) per instance for a fourth or subsequent violation that:

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1 (i) is identified in an inspection subsequent to the
2 inspection under clause (C); and
3 (ii) occurs not more than two (2) years after a prior
4 violation.

5 (b) A civil penalty assessed under subsection (a):

6 (1) is subject to IC 4-21.5-3-6; and

7 (2) becomes effective without a proceeding under IC 4-21.5-3
8 unless a person requests an administrative review not later than
9 thirty (30) days after notice of the assessment is given.

10 (c) For purposes of determining whether a second violation has
11 occurred when assessing a civil penalty under subsection (a), a first
12 violation expires one (1) year after the date of issuance of a warning
13 letter by the department of labor under subsection (a).

14 (d) For purposes of determining recurring violations of this section,
15 each location of an employer shall be considered separate and distinct
16 from another location of the same employer.

17 (e) There is established an employment of youth fund for the
18 purpose of educating affected parties on the purposes and contents of
19 this chapter and the responsibilities of all parties under this chapter.
20 One-half (1/2) of the fund each year shall be used for the purpose of the
21 education provision of this subsection. This portion of the fund may be
22 used to award grants to provide educational programs. The remaining
23 one-half (1/2) of the fund shall be used each year for the expenses of
24 hiring and salaries of additional inspectors to enforce this chapter under
25 section 29 of this chapter. All inspectors hired to enforce this chapter
26 shall also be available to educate affected parties on the purposes and
27 contents of this chapter and the responsibilities of all parties under this
28 chapter. The fund shall be administered by the department of labor.
29 The expenses of administering the fund shall be paid from money in
30 the fund. The treasurer of state shall invest the money in the fund not
31 currently needed to meet the obligations of the fund in the same
32 manner as other public funds may be invested. Interest that accrues
33 from these investments shall be deposited in the fund. Money in the
34 fund at the end of a state fiscal year does not revert to the state general
35 fund. Revenue received from civil penalties under this section shall be
36 deposited in the employment of youth fund.

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COMMITTEE REPORT

Mr. Speaker: Your Committee on Labor and Employment, to which was referred House Bill 1367, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

LIGGETT, Chair

Committee Vote: yeas 10, nays 2.

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HB 1367—LS 7529/DI 102+



HOUSE MOTION

Mr. Speaker: I move that House Bill 1367 be amended to read as follows:

Page 1, line 5, delete "with or without an".

Page 1, line 6, delete "employment certificate issued".

Page 1, line 6, delete "." and insert ", **but does not apply to children subject to:**

(1) section 2 of this chapter; or

(2) section 20(m)(2) or 20(m)(3) of this chapter."

Page 1, between lines 10 and 11, begin a new paragraph and insert:

"(c) The rest break must be available to the child during the time beginning three (3) hours after and ending five (5) hours after the child begins the child's period of duty."

(Reference is to HB 1367 as printed February 6, 2001.)

WEINZAPFEL

 HOUSE MOTION

Mr. Speaker: I move that House Bill 1367 be amended to read as follows:

Page 1, between the enacting clause and line 1, begin a new paragraph and insert:

"SECTION 1. IC 20-8.1-4-0.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 0.5. This chapter does not apply to a parent who employs the parent's own child or a person standing in place of a parent who employs a child in the person's custody, except for those provisions concerning underage employment (IC 20-8.1-4-21(a)), employment during school hours (IC 20-8.1-4-21(b)), and employment in hazardous occupations designated by federal law (IC 20-8.1-4-25)."

Page 3, line 9, after "than" insert "**thirty**".

Renumber all SECTIONS consecutively.

(Reference is to HB 1367 as printed February 6, 2001.)

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